

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
DANVILLE DIVISION

CHARLIE HAYES,)	
)	Case No. 4:08CV00037
Plaintiff,)	
)	
v.)	ORDER
)	
COMMISSIONER OF)	
SOCIAL SECURITY,)	By: Jackson L. Kiser
)	Senior United States District Judge
Defendant.)	

Before me is the Report and Recommendation of United States Magistrate Judge B. Waugh Crigler, entered on August 5, 2009, recommending Plaintiff's Motion for Summary Judgment be granted and the case be remanded to the Commissioner of Social Security ("Commissioner") for further proceedings at the final level of sequential evaluation. The Commissioner filed objections to the Magistrate's Report and Recommendation. I have reviewed the Magistrate Judge's recommendation, Defendant's objections, and relevant portions of the record. The matter is now ripe for decision. For the reasons set forth in the accompanying Memorandum Opinion, I **REJECT** the Magistrate's Report and Recommendation and **SUSTAIN** the Defendant's Objections. I **GRANT** the Defendant's Motion for Summary Judgment, and this case is **DISMISSED** from the active docket of this Court.

The Clerk is directed to send certified copies of this Order to all counsel of record and to Magistrate Judge B. Waugh Crigler.

Entered this 31st day of August, 2009.

s/Jackson L. Kiser
Senior United States District Judge